

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 16-0006**

**FRANCIS v. PURK**

**Appellate Case Information**

Case Filed: 7-Jan-2016  
Case Closed:

**Dept/Composition**

**Department E**

Hon. Kent E Cattani  
Hon. Lawrence F Winthrop  
Hon. Maurice Portley

**Side 1. LARRY E. FRANCIS, a single man, Plaintiff/Appellant**

**(Litigant Group) LARRY E FRANCIS**

- Larry E Francis

**Attorneys for: Plaintiff/Appellant**

Timothy J Casey, Esq. (AZ Bar No. 13492)

**Side 2. DONALD W. PURK, a single man, Defendant/Appellee**

**(Litigant Group) DONALD W PURK**

- Donald W Purk

**Attorneys for: Defendant/Appellee**

Michael E Palumbo, Esq. (AZ Bar No. 17021)

**CASE STATUS**

Dec 20, 2016....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2014-010016	Tort - Non-Motor Vehicle/Premises Liability		James T Blomo, Authoring Judge of Order		

**2 OPEN DUE DATES**

**Motion for Reconsideration due**

**Due By:** Wednesday, January 4, 2017

*Re: MEMORANDUM DECISION (Vacated, Remanded) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Maurice Portley - Concur*

**Petition for Review to ASC due**

**Due By:** Thursday, January 19, 2017

*Re: MEMORANDUM DECISION (Vacated, Remanded) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Maurice Portley - Concur*

**CALENDAR**

**Wednesday** MONTHLY COURT CASE CALENDAR  
**14-Dec-2016** Department E; COURTROOM 2

**CASE DECISION**

**20-Dec-2016 MEMORANDUM DECISION**

Lawrence Winthrop.....Author  
Kent Cattani.....Concur  
Maurice Portley.....Concur

Filed: 20-Dec-2016

Mandate:

Decision Disposition

***Vacated***  
***Remanded***

**22 PROCEEDING ENTRIES**

1. 7-Jan-2016 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/09/15
2. 7-Jan-2016 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 13-Jan-2016 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 26-Jan-2016 FILED: Plaintiff/Appellant's Notice of Paying Filing Fee; Certification of Service
5. 1-Feb-2016 RECEIPT No.: 2016-00115 ; \$280.00, Authorization: 32010689032, Applied to: LARRY E FRANCIS - Class A Filing Fee (\$280.00) Paid for: Schmitt Schneck Smyth Casey & Even PC - By Integrated Resource Systems IN

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**22 PROCEEDING ENTRIES**

- |     |             |  |
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| 6.  | 2-Feb-2016  | FILED: Case Management Statement; Exhibit - Defendant's Proposed Form of Judgment filed 12/8/15 (Appellant)  |
| 7.  | 4-Feb-2016  | FILED: Plaintiff/Appellant's Notice of Filing Oral Argument Transcript; Certificate of Service; Exhibit A - Reporter's Transcript - 11/13/15 Oral Argument (Transcriptionist Ann Brodsky) B (Appellant)  |
| 8.  | 8-Feb-2016  | FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due  |
| 9.  | 11-Feb-2016 | FILED: Defendant/Appellee's Notice of Paying Filing Fee; Certification of Service  |
| 10. | 12-Feb-2016 | ORDERED: staying this appeal to/including 3/28/16 and revesting jurisdiction in Maricopa Superior Court to consider application by appellant for a signed judgment with a certification of finality pursuant to Rule 54 (c). FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed judgment w/in 10 days after its entry. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellant shall file a request to continue stay, or appeal may be dismissed. FURTHER ORDERED: If a signed judgment has been filed, opening brief shall be due on 4/28/16. Barbara Vidal Vaught ProTem Judge - Author |
| 11. | 17-Feb-2016 | FILED: Defendant/Appellee's Notice of No Objection to Plaintiff/Appellant's Proposed Form of Amended Judgment; Certification of Service (Appellee)   |
| 12. | 18-Feb-2016 | RECEIPT No.: 2016-00217 ; \$140.00, Authorization: Ref1:48012947381, Applied to: DONALD W PURK - Class B Filing Fee (\$140.00) Paid for: Denise L Siegenthaler and Associates - By Integrated Resource Systems IN  |
| 13. | 24-Feb-2016 | FILED: Plaintiff/Appellant's Notice of Filing Amended Judgment; Certification of Service; Exhibit A - Proposed Form of Amended Judgment filed 2/24/16  |
| 14. | 29-Feb-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Amended Judgment filed 2/24/16 w/Rule 54(c) language]   |
| 15. | 28-Apr-2016 | FILED: Plaintiff-Appellant's Opening Brief; Certificate of Compliance; Certificate of Service  |
| 16. | 7-Jun-2016  | FILED: Defendant/Appellee's Response Brief; Certificate of Compliance; Certificate of Service (Appellee)   |
| 17. | 27-Jun-2016 | FILED: Plaintiff-Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)  |
| 18. | 1-Aug-2016  | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days  |
| 19. | 4-Aug-2016  | FILED: Supplemented Superior Court e-Record with Revised Index of Record   |
| 20. | 4-Nov-2016  | CLNDR: CONFERENCE, Department E, 12-14-16, COURTROOM 2.  |
| 21. | 20-Dec-2016 | MEMORANDUM DECISION (Vacated, Remanded) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Maurice Portley - Concur  |
| 22. | 20-Dec-2016 | FILED: Memorandum Decision Distribution List   |